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| 10/734,866 | 12/12/2003 | William V. Da Palma | BOC9-2003-0096 (1082-7U) | 1522 |

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Steven M. Greenberg, Esquire
Christopher & Weisberg, P.A.
Suite 2040
200 East Las Olas Boulevard
Fort Lauderdale, FL 33301

| EXAMINER |
|---|
| COLUCCI, MICHAEL C |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.      2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-3_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _12 December 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

**NOTE:** Examiner acknowledges the cancellation of claims 2-7, 9-14, and 16-20.

### *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.      Claims 1, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Williams et al. US 20030212561 A1 (hereinafter Williams) in view of Koehler et al.

US 20030156706 A1 (hereinafter Koehler).

Re claims 1, 8, and 15, Williams teaches a method for simulating ([0034]) a run-

time user interaction with a voice application ([0047] & Fig. 6), said method comprising

the steps of:

loading a user simulation script programmed to specify simulated voice

interactions with the voice application ([0047] & Fig. 6);

processing the user simulation script ([0034]) to generate both a simulated output

for the voice application corresponding to the nominal output and a simulated input for

the voice application corresponding to a pre-determined user input ([0048]) to the voice

application ([0047] & Fig. 6), wherein

the step of processing further comprises simulating a text equivalent and an

execution time for each of the nominal output and the pre-determined user input ([0049]

& [0053]), and further comprising the steps of:

b) processing the user simulation script to ([0034]) generate additional simulated

outputs ([0071]) for the voice application corresponding to the additional nominal

outputs ([0047] & Fig. 6);

c) processing the user simulation script to generate additional simulated inputs to

the voice application ([0045]-[0047]); and

d) repeating steps a), b) and c) until the user simulation script is exhausted to

simulate a complete set of user interactions with the voice application ([0050] & Fig. 6),

in response to and as input for a complete set of user prompts from the voice

application ([0066]-[0068]).


However, Williams fails to teach generating both a simulated output for the voice

application corresponding to the nominal output and a simulated input deriving from the

voice application a nominal output of the voice application;

a) deriving additional nominal outputs of the voice application;

Koehler teaches voice interaction, the trainee receives prerecorded audio files or,

alternatively, audio signals from a voice simulator interfaced with the database 212,

which simulate a conversation from the customer's perspective.  For example, extended

mark-up language (XML) strings of text may be received via a voice simulator API in the

APIs 214 using hypertext transfer language protocol (HTTP).  In an embodiment of the

invention, the voice simulator is based on RealSpeak for Windows text-to-speech

software, developed by Lemout & Hauspie Speech Products USA, Inc., which is

capable of providing about 16 hours of speech for every one hour of system operation

(Koehler [0057]).

     Additionally, Koehler teaches that the progress report includes a performance

assessment based on the trainee including the keywords in the trainee responses

corresponding to the dialog segments and a comparison of statistical data stored in the

memory segment.  The simulator source code segment may further include a software

emulation source code segment that provides an emulation of actual call center

software to the trainee through a graphical user interface (GUI).  The simulator source

code segment may also include a voice playback source code segment that records the

voice entered trainee portion corresponding to each dialog segment and replays the

recorded trainee portion upon instruction received from a GUI (Koehler [0026]).

     Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the system of Williams to incorporate generating both a

simulated output for the voice application corresponding to the nominal output and a

simulated input deriving from the voice application a nominal output of the voice

application and deriving additional nominal outputs of the voice application as taught by

Koehler to allow for a trainable voice xml application that utilizes statistical data relative

to keywords, wherein audio segments are generated in both simulated and real time

operation based on previous data (Koehler [0026]).

## *Conclusion*

3.      The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. US 6697964 B1, US 20060168095 A1, US 7231636 B1.


Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael C. Colucci whose telephone number is (571)-

270-1847.  The examiner can normally be reached on 9:30 am - 6:00 pm, Monday-

Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richemond Dorvil can be reached on (571)-272-7602.  The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C Colucci/
Examiner, Art Unit 2626
Patent Examiner
AU 2626
(571)-270-1847
Michael.Colucci@uspto.gov


/Vijay B. Chawan/
for Richemond Dorvil, SPE of Art Unit 2626